



February 7, 2023

Project No. 22373

Via Email to council@peelregion.ca

The Council of the Regional Municipality of Peel
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, Ontario

Attention: Chair and Members of Council

Dear Sirs/Mesdames:

**Re: Agenda Item 13.1 – City of Mississauga Major Transit Station Area Official Plan Amendments 142, 143, 144 and 146: Regional Staff Review and Recommendations
Submission on behalf of White Elm Investments Ltd.
City of Mississauga Official Plan Amendment Nos. 142, 143 and 144**

We are writing on behalf of White Elm Investments Ltd, the owners of lands municipally known in the City of Mississauga as 1450-1458 Dundas Street East (the “subject site”).

This letter includes our client’s concerns with the City of Mississauga Official Plan Amendments that are before Regional Council (the “City OPAs”). In our opinion the City OPAs will undermine Provincial policy direction, Regional objectives and policy direction in the newly-approved Region of Peel Official Plan (the “ROP”), and explicit direction that the Minister of Municipal Affairs (the “Minister”) provided in modifying the ROP.

In particular, the subject site is proposed to be redesignated from Mixed Use to Mixed Use Limited, as shown on Map ‘B8’, part of Schedule 10 Land Use Designation of OPA 142. The proposed Mixed Use Limited designation prohibits residential uses, subject to meeting criteria that include appropriate design, compatibility assessments, and completion of flood mitigation measures where necessary. While we do not generally have a concern with the principles of appropriate design, land use compatibility and flood mitigation, it is our opinion that these principles would be addressed through development applications and the introduction of a new Mixed Use Limited designation is unnecessary. The Mississauga Official Plan already provide policy direction on these principles, and we see no need for a change to the land use designation for the subject site.

Proposed policy 5.7.2.2 of OPA 143 states: “*Redevelopment within Mixed Use and Downtown Mixed Use designated lands that results in a loss of non-residential floor space, will not be permitted unless it can be demonstrated that the planned function of the non-residential component will be maintained or replaced as part of the redevelopment.*”

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED ☒

The subject site is currently designated Mixed Use and proposed to be redesignated to Mixed Use Limited on the Dundas Street Corridor. In particular the subject site, and adjacent properties within the Dixie-Dundas Community Node are currently developed with large scale retail and service commercial uses. Maintaining the non-residential planned function of these lands does not fit with Provincial and Regional policy direction for MTSA's.

As the intent of this policy is to support the development of non-residential uses within MTSA's, it is more appropriate to establish built form provisions that fit within the planned mixed use context of the Dundas Street Corridor.

Further, the proposed approach of including maximum building heights within certain PMTSA's contravenes Ministerial modifications to the ROP and, if approved, would result in the need to accommodate more housing in other areas of the Region of Peel (the "Region") that are less appropriate and desirable to accommodate it. Furthermore, Regional staff have not even evaluated whether the maximum building heights and related PMTSA policies conform to Provincial policy or the ROP, as they have inappropriately limited the scope of their review to ensuring minimum densities are met.

Our client has actively participated in the City OPAs process and has closely followed the steps taken by both the City and the Region in developing the MTSA policy framework. In terms of process, our client is concerned that the City OPAs were adopted by City Council prior to the Minister's approval of the ROP, which made pertinent modifications to MTSA policies in the ROP. City Council adopted the City OPAs at the time the ROP, as adopted by the Region, included policies that gave the City the discretion to establish maximum densities and maximum building heights within MTSA's, specifically ROP policies 5.6.19.10 a) and e). The Minister explicitly removed this policy language in the approval of the ROP. Therefore, the Minister's explicit direction that the City should not have discretion to establish maximum densities and building heights in MTSA's has not been considered in the adoption of the City OPAs and therefore it should be referred back to City Council for reconsideration under the applicable policy framework.

From a land use planning perspective, the maximum building heights in the City OPAs do not conform to Provincial and Regional policy direction and therefore should not be approved. The Growth Plan, 2019 (the "Growth Plan"), directs that MTSA's are to have a sufficient density and mix of uses that are transit supportive and make efficient use of land and infrastructure. The Growth Plan provides direction that it is important to optimize existing and planned transit to support a more compact built form and achieve complete communities. Similarly, the City and Region's Official Plans promote intensification, appropriate densities, and a range and mix of uses surrounding transit to encourage the development of complete communities. Therefore, it is clear that optimizing the use of land in PMTSA's is a Provincial and Regional policy direction that should not be undermined by the City OPAs, in particular the establishment of maximum building heights.

The proposed maximum building heights of the City OPAs does not take into account what may be achievable on a site-specific basis and will limit the redevelopment of lands where intensification is specifically directed to occur. Accordingly, we respectfully request that the policy direction providing for maximum building heights be removed from OPA 144.

Furthermore, we believe the maximum building heights in PMTSAs places unnecessary limitations on the flexibility of the ROP, as modified by the Minister. Official Plan policies are intended to implement a framework for the Region's long-term vision and the ability to amend the City's Official Plan provides a degree of flexibility to account for site-specific contexts that cannot be adequately accounted for through area-wide studies that inform Official Plan policies. This restriction is an unnecessary limitation that potentially undermines the goal of good planning on a site-specific basis.

For the reasons set out in this letter, our client urges Regional Council to refuse to approve the City OPAs and remit them to the City, with direction to reconsider the Mixed Use Limited designation, replacement of non-residential uses and the maximum building heights in light of the Minister's modification to the ROP. We appreciate the opportunity to provide these comments and thank Regional Council for its consideration. We respectfully request a copy of Council's decision on the City OPAs.

Yours very truly,
Bousfields Inc.



David Charezenko, MCIP, RPP
c.c. White Elm Investments Ltd.